IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.BALAKRISHNAN NAIR

WEDNESDAY, THE 25TH JULY 2007 / 3RD SRAVANA 1929

WP(C).No. 6369 of 2006(G)

PETITIONERS:
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1. L. SUDHAKARAN,
KANNOTTUKONATH VEEDU, GANDHIPURAM,
SREEKARYAM P.O., TRIVANDRUM-17.

2. B. ASHOK KUMAR,
ASHOKA BHAVANAM, AITTIKONAM,
THURUVICKEL P.O., TRIVANDRUM-31.

BY ADV. SRI.M.P.SREEKRISHNAN
SMT.SHAHNA KARTHIKEYAN

RESPONDENTS:
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1. STATE OF KERALA,
REPRESENTED BY SECRETARY, HEALTH AND
FAMILY WELFARE (K) DEPARTMENT, TRIVANDRUM.

2. DIRECTOR OF MEDICAL EDUCATION,
TRIVANDRUM.

3. PRINCIPAL,
MEDICAL COLLEGE, TRIVANDRUM.

BY GOVERNMENT PLEADER SMT. N. SUDHADEVI

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 25/07/2007,THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

WP(C) NO: 6369/2006

APPENDIX

PETITIONER'S EXHIBITS

EXT.P1. COPY OF THE ORDER BY THE R3 DT. 26/4/01.

EXT.P2. COPY OF THE ORDER DT. 9/6/99 ABSORBING P. ARAVINDAKSHAN NAIR TO GOVT. S ERVICE.

EXT.P3. COPY OF THE REPRESENTATION MADE BY THE PETITIONER NO.1 DT. 10/11/03.

EXT.P4. COPY OF THE REPRESENTATION MADE BY THE P2 DT. 10/11/03.

EXT.P5. COPY OF THE LETTER DT. 14/6/04.

EXT.P6. COPY OF THE LETTER DT. 8/8/04 BY R1.

EXT.P7. COPY OF THE LETTER BY THE R2 DT. 15/09/04.

EXT.P8. COPY OF THE LETTER DT. 4/1/06.

RESPONDENT'S EXHIBITS **NIL**

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K.BALAKRISHNAN NAIR,J.

WP(C)NO.6369 OF 2006-G

Judgment

The petitioners are working in the post of Cleaner-cum-Driver, under the Van Committee headed by the Principal of Medical College, Thiruvananthapuram. They submit, they are working since 06.01.2000. They moved for absorption in regular service. Their claim was brought to the notice of the Government by the Director of Medical Services also. But, the Government rejected the said claim by Ext.P8 communication dated 04.01.2006. This Writ Petition is filed, challenging Ext.P8 and seeking absorption in service.

2. The 1st respondent has filed a counter affidavit, in which it is submitted that the post of Cleaner-cum-Driver is one borne on the Kerala Last Grade Service. The method of appointment to that post is by promotion of Part-time Sweepers/Cleaners and in their absence, through the employment exchange. So, the petitioners cannot be regularised in the last grade post, it is submitted.

3. Heard. I find nothing illegal with the stand of the 1st respondent, taken in Ext.P8 or in the counter affidavit. A post in the Government service can be filled up only in accordance with the Rules governing the same. The Special Rules for last grade service do not provide for absorption of a daily wage hand. In the result, the

Writ Petition fails and it is dismissed.

25.07.2007 **K.BALAKRISHNAN NAIR,JUDGE**

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